

May 6, 2004

ENERGY & ENVIRONMENT  
COMMITTEE  
REPORT NO. 6

ALL MEMBERS PRESENT. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following item is hereby received, filed and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

- a. Item Page -2004 (Intro. 4-10)  
**SWANICK:** Opposition to Imposition of Additional Tolls on Roads & Highways in WNY.  
(5-0)

2. RESOLVED, that the following items are hereby received and filed.

- a. Item Page -2003 (Comm. 24M-12)  
**ERIE COUNTY WATER AUTHORITY:** Year 2004 Adopted Operating & Maintenance Budget & Capital Budget.  
(5-0)

- b. Item Page -2004 (Comm. 4M-14)  
**ERIE COUNTY WATER AUTHORITY:** Unaudited Comparative Financial Statements for Years Ended 12/31/03 & 12/31/02.  
(5-0)

- c. Item Page -2004 (Comm. 6E-18)  
**COMPTROLLER:** Copy of Letter to ECWA Commissioners Re: Auto Accident 1/23/04.  
(5-0)

- d. Item Page -2004 (Comm. 8E-3)  
**MARINELLI:** Request for Information on Household Hazardous Waste Collection Program.  
(5-0)

- e. Item Page -2004 (Comm. 9E-27)  
**COMPTROLLER:** Copy of Letter to ECWA Commissioners Re: Auto Accident 1/23/04.  
(5-0)

- f. Item Page -2004 (Comm. 9E-45)  
**COUNTY EXECUTIVE:** ECSDs Nos. 1, 4 & 5 – Fox & Company – Buffalo – Change Order No. 1.  
(5-0)

- g. Item Page -2004 (Comm. 9E-83)  
**COUNTY EXECUTIVE:** ECSD No. 6 – Bethlehem Park Rehab Phase I – Change Order 1 – C. Destro Development Company.  
(5-0)

h. Item Page -2004 (Comm. 9M-29)  
**NYSDEC: Fact Sheet – Indoor Air Quality – Mr. C’s Dry Cleaners, East Aurora.**  
 (5-0)

3. Item Page -2003 **AS AMENDED**  
 (Comm. 20E-41)  
**COUNTY EXECUTIVE**  
 RESOLUTION NO. \_\_\_\_\_

RESOLUTION DATED \_\_\_\_\_, 2004.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ERIE COUNTY SEWER DISTRICT NO.1 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) \_\_\_\_\_ 2004.  
 (Adopted) \_\_\_\_\_, 2004

WHEREAS, pursuant. to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 1 of the County of Erie, New York, has heretofore been established and created on March 6, 1960 (the "District") to provide sewer services to the southern part of the Town of Cheektowaga and the northern part of the Town of West Seneca; and

WHEREAS, the Board of Managers of the District has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of the District on April 23, 2004 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District, consisting of the reconstruction and/or replacement of approximately 37,488 linear feet of sewer, as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$4,000,000, to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewered units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sever District No. 1; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is

\$6.50 for the Town of Cheektowaga, \$7.50 for the Town of West Seneca, \$10.08 for the Town of Elma, and \$7.00 for the Village of Depew; and

WHEREAS, it is now desired to call a public hearing to consider said increase and improvement in accordance with the provisions of Section 254 of the County Law;

NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 2nd Floor, Part 6. in Buffalo, New York, in said County, on the 24<sup>th</sup> day of June, 2004, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposed increase and improvement of facilities of Erie County Sewer District No. 1 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in the "Front Page " and in the "Hamburg Sun", the official newspapers of said County and in the "Cheektowaga Times" and the "West Seneca Bee", not less than ten nor more than twenty days before the date set herein for said public hearing. The Clerk is hereby further authorized and directed to file a certified copy of the Notice of Public Hearing with the Comptroller of the State of New York on or about the date of the publication of the Notice of Public Hearing.

Section 4. This resolution shall take effect immediately.

(5-0)

4.      Item                      Page                      -2004                      (Comm. 9E-35)

**COUNTY EXECUTIVE**

WHEREAS, the Town of Aurora (hereinafter "Town") has requested an underground permanent easement from the County of Erie (hereinafter "County") for the installation of a waterline in a section of Emery Park adjacent to and abutting Emery Park Road; and

WHEREAS, because public parkland is affected, the Advisory Review Committee and Commissioner of Parks, Recreation and Forestry have prepared a report concluding that the Town's proposal comports with the Erie County Parks Protection Law provided the Town meets certain conditions with respect to the installation and maintenance of its waterline; and

WHEREAS, the County intends to make connections to said waterline in order to supply Emery Park with potable water which is presently lacking; and

WHEREAS, the County Attorney recommends that, since public park-lands are affected, the County issue an exclusive revocable permit to the Town, rather than granting a permanent easement as requested.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to issue and execute an exclusive revocable permit to the Town for the installation of an underground waterline in a section of Emery Park, one hundred thirty feet long by forty feet wide, immediately adjacent to the abutting right of way of Emery Park subject to approval as to form by the County Attorney; and be it further

RESOLVED, that said exclusive revocable permit incorporate provisions insuring that upon completion of installation and any future maintenance of the waterline, the Town shall restore the property to its pre-existing condition so as not to diminish the public use and enjoyment of the property as public park-land or to constitute a nuisance or hazard to persons or property; and be it further

RESOLVED, that such exclusive revocable permit provide as a further condition, that the Town shall permit the County to make connections to the waterline in order to supply water to Emery Park; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to Joel A. Giambra, Erie County Executive; Lawrence D. Jasinski, Commissioner, Department of Parks, Recreation and Forestry; Maria C. Lehman, P.E., F.ASCE, Commissioner, Department of Public Works; Nancy A. Naples, Erie County Comptroller; Joseph Passafiume, Director of Budget, Management and Finance; and Gregory J. Dudek, Assistant County Attorney.

(5-0)

**AS AMENDED**  
(Comm. 9E-50)

5. Item Page -2004

**COUNTY EXECUTIVE**

WHEREAS, the New York Independent System Operator (NYISO), working through Siemens Building Technologies, currently pays large facilities to shed load during heavy demand time, and

WHEREAS, the Department of Public Works recently received notice from NYSERDA of approval of an application for a Flextech Assistance Program for a 50% match at \$13,425, and

WHEREAS, the main purpose of this grant is to assist the County in establishing and implementing a Peak Load Curtailment Program on their own, and

WHEREAS, by the County acting as its own Energy Services Company (ESCO), instead of using another ESCO, we can receive substantially more funds, and

WHEREAS, the Department of Public Works recently received notice from NYSERDA of another approval of an application with Ziphany, LLC to develop and implement handheld wireless devices to instantaneously shed location from any location,

NOW, THEREFORE, BE IT

RESOLVED, that Erie County Legislative authorizes entry into an agreement with NYSERDA whereby we pay 50% of the Consultant fees (\$13,425) directly to the Consultant currently under contract with NYSERDA (CJ Brown) under terms and conditions to be negotiated by Erie County and the Consultant, with the cost to be deducted from Fund 410, Project 405, and be it further

RESOLVED, that the Erie County Legislative authorizes entry into an agreement with Siemens Building Technologies to work with NYISO to sell a designated portion of the County's UCAP during power events and accept funds that this may produce to reimburse entities such as ECMC and ECHI for their participation and increase the appropriations in Fund 410, Project 405 by the remaining amounts, and be it further

RESOLVED, that the County of Erie Legislative authorizes acceptance of another grant from NYSERDA and entering into a contract with Ziphany, LLC to provide multiple handheld, wireless devices to be able to shed load instantaneously and pay for required wireless connections from Fund 410, Project 405, and be it further

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, and one each to the County Executive, the Director of Budget and Management and the Office of the Comptroller.  
(5-0)

6. Item Page -2004 (Comm. 9E-52)

**COUNTY EXECUTIVE**

WHEREAS, a resolution to authorize a creation of a Senior Sewer District Manager position, Job Group 14 in the Division of Sewerage Management is hereby requested.

NOW, THEREFORE, BE IT

RESOLVED, the creation of the position of Senior Sewer District Manager, Job Group 14 in the Division of Sewerage Management is hereby approved; and be it further

RESOLVED, that the funding for the position in the Division of Sewerage Management be allocated from the Operating Fund Balance Accounts in Erie County Sewer District Nos. 1-6 and the Southtowns Sewage Treatment Agency in the 2004 Budget by the Director of Budget, Management and Finance as follows:

- Erie County Sewer District 1, 4 and 5 Fund Balance:  
District No. 1 220 851 811 698 105 Use of Fund Balance \$5,961;  
District No. 4 220 851 812 698 105 Use of Fund  
Balance \$8,539;

District No. 5 220 851 813 698 105 Use of Fund  
Balance \$1,611;

- Erie County Sewer District 2 Fund Balance:  
District No. 2 220 852 821 698 105 Use of Fund Balance \$3,537;
- Erie County Southtowns Fund Balance:  
Southtowns 220 853 831 698 105 Use of Fund Balance \$12,378;
- Erie County Sewer District No. 3 Fund Balance:  
District No. 3 220 853 832 698 105 Use of Fund Balance \$5,305;
- Erie County Sewer District No. 6 Fund Balance:  
District No. 6 220 854 840 698 105 Use of Fund Balance \$1,965;
- Erie County Division of Sewerage Management:  
220 855 850 800 Personal Services \$28,069  
220 855 850 805 Fringe Benefits \$11,227; and be it further

RESOLVED, that certified copies of the approved Resolution is sent to Joel A. Giambra, County Executive; Charles J. Alessi, Deputy Commissioner, Department of Environment and Planning; Joseph Passafiume, Erie County Budget Office; and the Erie County Personnel Department.  
(5-0)

7.      Item                      Page                      -2004                      (Comm. 9E-54)  
          **COUNTY EXECUTIVE**

WHEREAS, a resolution to authorize and approve, in the 2004 Budget, the reclassification of one position: (1) Electronic Instrumentation Mechanic, Job Group 7 to a Sr. Electronics Technician – Wastewater Facilities, Job Group 10 in Erie County Sewer District No. 6 has been received from the Department of Environment and Planning; and

WHEREAS, the District requires the reclassification due to the incumbent's expanded work tasks and duties to allow for the position to be commensurate with the title.

NOW, THEREFORE, BE IT

RESOLVED, the current position of Electronic Instrumentation Mechanic, Job Group 7 be reclassified to Sr. Electronics Technician – Wastewater Facilities, Job Group 10, in the 2004 Budget; and be it further

RESOLVED, that the funding for the change for the reclassification of the position be taken out of the 2004 Budget, Erie County Sewer District No. 6, Unexpended Salaries; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of the approved Resolution to Joel A. Giambra, County Executive; Charles J. Alessi, P.E.,

Deputy Commissioner, Department of Environment and Planning; Joseph Passafiume, Erie County Budget Office and the Erie County Personnel Department.  
(5-0)

8. Item Page -2004 (Comm. 9E-55)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has secured the services of URS Corporation by Agreement dated April 15, 2003, to provide engineering services for the Consolidation of Sewer Services between the Village of Blasdell and Erie County Sewer District No. 3/Southtowns Sewage Treatment Agency; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management is interested in expanding the engineer's scope of services to include evaluation of the reuse of existing pumping station, including pumps and controls required to eliminate the Blasdell Wastewater Treatment Plant and various other pumping stations; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management is recommending approval of Change Order No. 2 to the URS Corporation Agreement dated April 15, 2003 in an amount not to exceed \$89,739.70.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 2 to URS Corporation dated April 15, 2003, be approved subject to approval by the Department of Environment and Planning, in an amount not to exceed \$89,739.70; and be it further

RESOLVED, that the Department of Environment and Planning, Division of Sewerage Management is hereby directed to execute and process Change Order No. 2, subject to certification of availability of funds from the project fund balance by the Comptroller's Office; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to allocation \$89,739.70 from Sewer Capital Account, Fund No. 430, Project No. 374 for payment of this change order; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolutions to Charles J. Alessi, P.E., Department of Environment and Planning; one (1) certified copy to Joel A. Giambra, County Executive; Nancy Naples, Erie County Comptroller; and Gregory Dudek, Assistant County Attorney.

(5-0)

**AS AMENDED**

9. Item Page -2004 (Comm. 9E-60)

**COUNTY EXECUTIVE**

WHEREAS, engineering design services are required for the Grover Cleveland Irrigation System & Miscellaneous Work and Akron Falls Bridge Rehabilitation, Engineer's Supplemental Agreement, and

WHEREAS, the firm of Donald Gallo, P .C. presently has a contract with the County of Erie to provide design services,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Donald Gallo, P .C. in an amount not to exceed \$130,000, including testing, reimbursables, inspection and miscellaneous expenses relative to the engineering design services required for the Grover Cleveland Irrigation System & Miscellaneous Work and Akron Falls Bridge Rehabilitation, and be it further,

RESOLVED, that the \$130,000 allocation be taken from the 2004 Parks Master Plan Project, Fund 410, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; one copy to the Department of Parks & Recreation; and one copy to the Office of the County Executive.

(5-0)

10. Item Page -2004 (Comm. 9E-62)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Parks, Recreation & Forestry is now responsible for the rentals of golf course carts to the public at the Elma Meadows and Grover Cleveland Golf Courses, and

WHEREAS, the Erie County Department of Parks, Recreation and Forestry needs to provide, as a public amenity, the availability of similar golf related items for rent such as pull carts, lockers and golf clubs.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Parks, Recreation & Forestry, as a public service, will collect revenue for the rental of golf related items at the Elma Meadows and Grover Cleveland Golf Courses as follows:

PULL CARTS	\$ 3.00	FOR 18 HOLES
GOLF CLUBS	\$10.00	FOR 18 HOLES
LOCKERS	\$50.00	FOR THE SEASON

And be it further

RESOLVED, that all rental revenue collected be recorded as golf revenue in DAC 110942640453, and be it further



RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the Department of Parks, Recreation and Forestry, the County Executive, the Office of the Comptroller, and the Division of Budget, Management and Finance.  
(6-0) Chairman Holt Present as Ex-Officio Member.

11. Item Page -2004 (Comm. 9E-71)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Parks, Recreation and Forestry's application for grant funds in the amount of \$75,000.00 for renovations at the Wendt Beach Mansion, located in Wendt Beach Park, has been approved by the Margaret L. Wendt Foundation; and

WHEREAS, the 2004 capital budget contains funding for Erie County Parks, Recreation & Forestry Master Plan Improvements in which Wendt Beach renovations were planned; and

WHEREAS, the combination of these two funding sources will allow the County to complete enhanced renovations to the Wendt Beach Mansion.

NOW, THEREFORE, BE IT

RESOLVED, that the 2004 Parks' Master Plan capital project is amended to include grant funds of \$75,000.00 from the Margaret L. Wendt Foundation for renovation of the Wendt Beach Mansion; and be it further

RESOLVED, that revenues and expenditures in the 2004 Parks Master Plan – Phase II, Fund 441, Project 461, be increased by \$75,000.00; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Department of Parks, Recreation and Forestry, the County Executive, the Office of the Comptroller and the Division of Budget, Management and Finance.  
(5-0)

12. Item Page -2004 (Comm. 9E-72)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Parks, Recreation & Forestry has been the longtime sponsor of the County of Erie Baseball Association (C.E.B.A.); and

WHEREAS, the WNY Umpires' Association (hereinafter "Umpires") has provided officials to umpire games for the past three seasons to C.E.B.A. under a written agreement; and

WHEREAS, the Umpires' is the sole source for providing baseball officials with sufficient personnel as required by the C.E.B.A. season schedule; and

WHEREAS, the WNY Umpires' Association has deemed it necessary to increase their fees from \$36.00 to \$39.00 per umpire, per game.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into and execute any and all agreements with the Umpires for the provision of game officials for the C.E.B.A. 2004 baseball season at the rate of \$39.00 per umpire, per game; and be it further

RESOLVED, that funds are available in the Recreation Trust Account and the Contractual Fees Account to cover these expenses; and be it further

RESOLVED, that such agreement shall be renewable at the option of the Parks Department for one additional year; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the Department of Parks, Recreation and Forestry, the County Executive, the Office of the Comptroller, the Division of Budget, Management and Finance and Gregory J. Dudek, Assistant County Attorney.

(5-0)

13. Item Page -2004 (Comm. 9E-76)

**COUNTY EXECUTIVE**

WHEREAS, the United States Surgeon General has identified radon gas to be the second leading cause of lung cancer in the United States; and

WHEREAS, the U. S. Environmental Protection Agency (EPA) has identified Erie County as high risk for radon potential; and

WHEREAS, Erie County has successfully established and operated a Radon/Indoor Air Quality Program since 1993 and has acquired valuable experience and expertise; and

WHEREAS, the National Association of Counties has awarded Erie County a grant in the amount of \$2,000 to perform radon awareness activities for the citizens of Erie County.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Executive is authorized to accept grant funding in the amount of \$2,000 from the National Association of Counties (NACo) for radon outreach and education activities, and be it further

RESOLVED, that the budget for the 2004 NACo Indoor Air Quality Coalition and Model County Grant Program is hereby established as follows:

**REVENUES:**

<u>Account</u>	<u>Description</u>	
640-0400	Federal Aid - NACo	\$2,000
<b>Total</b>		<b>\$2,000</b>

**APPROPRIATIONS:**

<u>Account</u>	<u>Description</u>	
830	<u>Contractual Services</u>	\$1,000
933	<u>Lab Technical Equipment</u>	<u>1,000</u>
<b>Total</b>		<b>\$2,000</b>

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

(5-0)

**RAYMOND K. DUSZA**  
**CHAIRMAN**